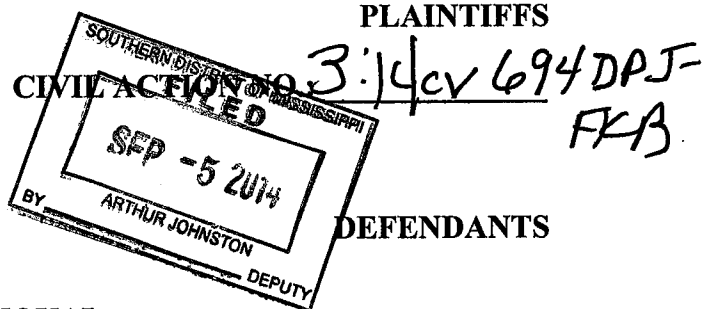


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KETRA JOHNSON AND CAROLYN HARRIS

VS.

**RELIANCE STANDARD LIFE INSURANCE
COMPANY, COVENANT DOVE, LLC, AND
JOHN DOES 1-3**



NOTICE OF REMOVAL

TO: Toney A. Baldwin, Esq.
Shunda L. Baldwin, Esq.
BALDWIN & BALDWIN, PLLC
748 North President Street (39202)
P.O. Box 3199
Jackson, MS 39207

Attorneys for Plaintiffs

Defendant, Covenant Dove, LLC, (also referred to as "Defendant" and "Covenant"), in the lawsuit entitled *Ketra Johnson and Carolyn Harris v. Reliance Standard Life Insurance Company, Covenant Dove, LLC, and John Does 1-3*, Civil Action No. 25CI 1:14-cv-00496-TTG, on the docket of the Circuit Court of Hinds County, Mississippi, First Judicial District, has on September 5, 2014 filed in the United States District Court for the Southern District of Mississippi, Northern Division, its notice to effect the removal of said civil action to the United States District Court for the Southern District of Mississippi, Northern Division.

Copies of this Notice are herewith served upon you as counsel of record for Plaintiffs, Ketra Johnson and Carolyn Harris, and a copy of the same is being filed with the clerk of the aforesaid state court in conformity with 28 U.S.C. § 1446(d), as amended. Defendant represents that the grounds for removal are as follows:

1. On July 31, 2014, a Complaint styled *Ketra Johnson and Carolyn Harris v. Reliance Standard Life Insurance Company, Covenant Dove, LLC, and John Does 1-3* was filed and is now pending in the Circuit Court of Hinds County, First Judicial District, Mississippi, Civil Action No. 25CI 1:14-cv-00496-TTG, which is within the Southern District of Mississippi, Northern Division.

2. Service of process was made upon Defendant, Covenant Dove, LLC, on August 11, 2014. Thirty (30) days have not expired since service of process was effected on the Covenant Dove, LLC; therefore, this Notice of Removal is timely.

3. Co-Defendant, Reliance Standard Life Insurance Company ("RSLI"), has consented to the removal of this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, Civil Action No. 25CI 1:14-cv-00496-TTG, to the United States District Court for the Southern District of Mississippi, Northern Division, and contemporaneous acknowledges such consent by a separate pleading. Therefore, the removal of this case to the United States District Court for the Southern District of Mississippi, Northern Division, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446(b), is proper.

Federal Question Jurisdiction

4. In this Complaint, Plaintiffs Ketra Johnson and Carolyn Harris allege their entitlement to life insurance benefits and proceeds pursuant to Twanda Harris' term life insurance policy, obtained by Twanda Harris through her employment with Covenant. The insurance policy at issue is governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 101, et seq. ("ERISA") (*Plaintiff's Complaint*: ¶7, and ¶8).

5. The Plaintiffs' claims are completely pre-empted by the civil enforcement scheme found in § 502 of ERISA, and this Court has exclusive jurisdiction of those claims. 29 U.S.C. § 1132. ERISA broadly preempts any and all state laws insofar as they may now or hereafter relate to any employee benefit plan. 29 U.S.C. § 1144(a); *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S. 58 (1987). This includes, as in the instant case, to an ERISA plan providing insurance benefits. *See Manning v. Hayes*, 212 F.3d 866, 870 (5th Cir. 2000).

6. The Fifth Circuit holds that, "Section 502 [of ERISA], by providing a civil enforcement cause of action, completely preempts any state cause of action seeking the same relief, regardless of how artfully pled as a state action." *Copling v. The Container Store, Inc.*, 174 F.3d 590, 594 (5th Cir. 1999)(over-ruled on other grounds); *Giles v. NYLCare Health Plans, Inc.*, 172 F.3d 332, 337 (5th Cir. 1999); *Bullock v. The Equitable Life Assurance Soc. Of the U.S.*, 259 F.3d 395, 400 (5th Cir. 2001).

7. The claims involving the benefits under a plan governed by ERISA present federal questions over which the district courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441(a).

Federal Diversity Jurisdiction

8. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because the removing defendant is of diverse citizenship from Plaintiff and the claim at issue exceeds \$75,000, exclusive of interest and costs.

9. Plaintiffs are resident citizens of the State of Mississippi. Complaint, ¶ 1.

10. Defendant Covenant is an Delaware company with its principal place of business in the State of Tennessee. Complaint, ¶3. Co-Defendant RSLI is an Illinois company with its principle place of business in Pennsylvania. Complaint, ¶2.

11. Plaintiffs demand judgment against Defendants in the amount of at least \$250,000.00 plus pre-judgment and post-judgment interest at the maximum legal rates, attorney's fees, and costs, compensatory and punitive damages. Complaint, ¶27, ¶¶ 41-44.

12. Based on such allegations, the amount in controversy in this matter exceeds the jurisdictional minimum of \$75,000.00, exclusive of interest and costs. *Frye v. American General Fin., Inc.*, 307 F.Supp.2d 836, 840 n.2 (S.D.Miss. 2004); *Montgomery v. First Family Fin. Servs., Inc.*, 239 F. Supp.2d 600, 605 (S.D. Miss. 2002).

13. For all of the reasons set forth above, considered separately and together, the parties are completely diverse and the amount in controversy exceeds \$75,000. Thus, this Court has federal diversity jurisdiction over this civil action pursuant to U.S.C. § 1332 and removal is proper pursuant to U.S.C. § 1441(b).

14. Defendant, Covenant Dove, LLC, hereby removes this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, Civil Action No. 25CI 1:14-cv-00496-TTG, to the United States District Court for the Southern District of Mississippi, Northern Division. This entire action may be removed to the United States District Court for the Southern District of Mississippi, Northern Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446(b).

15. A copy of all process and pleadings served upon Defendant, Covenant Dove, LLC, as required by 28 U.S.C. § 1446(a), is attached hereto as *Exhibit "A"* and a copy of the Hinds County Circuit Court record for Civil Action No. 25CI 1:14-cv-00496-TTG is attached hereto as *Exhibit "B."*

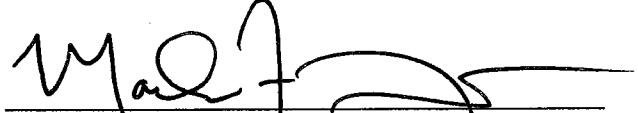
16. Promptly after filing this Notice of Removal, written notice thereof will be given to all adverse parties and a copy of the Notice of Filing Notice of Removal attached as *Exhibit "C"* will be filed with the Clerk of the aforesaid state court to effect removal of such action to the United States District Court for the Southern District of Mississippi, Northern Division. Defendant, Covenant Dove, LLC, hereby respectfully requests that this Court assume full jurisdiction of the case herein as provided by law.

WHEREFORE PREMISES CONSIDERED, Defendant, Covenant Dove, LLC, hereby removes this action bearing Civil Action No. 25CI 1:14-cv-00496-TTG from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division.

THIS the 5th day of September, 2014.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: 

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**ATTORNEYS FOR DEFENDANT,
COVENANT DOVE, LLC.**

CERTIFICATE OF SERVICE

I, MARK FIJMAN, do hereby certify that I have this date mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing *NOTICE OF REMOVAL* to the following counsel of record:

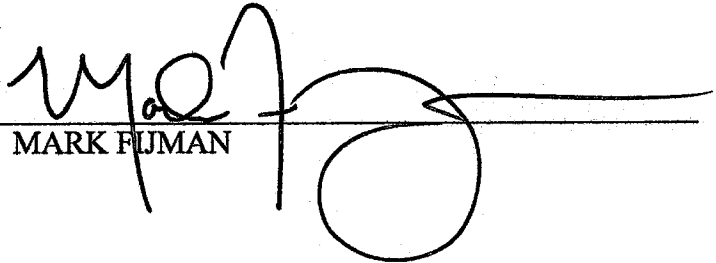
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ATTORNEYS FOR PLAINTIFFS

Honorable Tomie T. Green
Hinds County Circuit Court Judge
P.O. Box 327
Jackson MS 39205

HINDS COUNTY CIRCUIT COURT JUDGE

SO CERTIFIED, this the 5th day of September, 2014.


MARK FIJMAN